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December 19, 2016

***VIA ECFS AND FIRST CLASS MAIL***

Hugh Taylor  
Harrison County Judge  
#1 Peter Whetstone Square, Room 314  
Marshall, TX 75670

*Re: STELAR Feasibility Certification, Market Modification Pre-Filing Coordination Letter  
for Harrison County, Texas, MB Docket No. 15-71*

Dear Judge Taylor:

DISH Network L.L.C. ("DISH") is in receipt of your pre-filing coordination letter ("Letter"),<sup>1</sup> pursuant to the procedures set forth in the Federal Communications Commission's ("FCC") rules governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 ("STELAR").<sup>2</sup>

The Letter requests information regarding carriage of local broadcast stations from the Tyler-Longview, Texas designated market area into Harrison County, Texas. The attached Feasibility Certification pursuant to 47 C.F.R. § 76.59(e) reflects DISH's response to the Letter.

Please contact me if you have any questions.

Sincerely,

/s/ Alison Minea

Alison Minea  
Director & Senior Counsel, Regulatory  
Affairs

Attachment: Feasibility Certification Pursuant to 47 C.F.R. § 76.59(e)

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<sup>1</sup> Letter from Hugh Taylor, Harrison County Judge, to Alison A. Minea, DISH, Sept. 12, 2016.

<sup>2</sup> See Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, *Report and Order*, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015) ("*Market Modification Order*"). See also STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

**FEASIBILITY CERTIFICATION PURSUANT TO 47 C.F.R § 76.59(e)**

1. This Feasibility Certification is issued by DISH Network L.L.C. (“DISH”) pursuant to the pre-filing coordination procedures contained in the Federal Communications Commission’s (“FCC”) Order<sup>1</sup> governing market modifications for satellite carriers under the STELA Reauthorization Act of 2014 (“STELAR”).<sup>2</sup>
2. This Feasibility Certification responds to the letter (“Letter”) dated September 12, 2016 from Hugh Taylor, Harrison County Judge, requesting information regarding carriage of local broadcast stations from the Tyler-Longview designated market areas (“DMA”) into Harrison County, Texas (the “County”).
3. DISH carries the high definition (“HD”) Tyler-Longview local broadcast stations (“Tyler-Longview Locals”) on spot beams on a satellite located at the 61.5° W.L. orbital slot, and carries the standard definition (“SD”) Tyler-Longview Locals on spot beams on a satellite located at the 110° W.L. orbital slot.
4. The ability of an individual DISH subscriber in the County to receive the Tyler-Longview Locals from DISH depends on, among other things, how the subscriber’s individual satellite antenna was originally installed and pointed, and whether that subscriber is predicted to have adequate spot beam coverage from the satellite that carries the stations.
5. In general, a DISH customer’s satellite antenna, when installed, is pointed so that it can receive satellite signals from specific orbital slots. Receiving service from orbital slots not planned for in the original equipment installation at the subscriber’s home typically would require DISH to send a truck and technician to adjust equipment or install different equipment, which would impose a very substantial cost burden on DISH.
6. The relevant spot beams from the two satellites that carry the Tyler-Longview Locals do cover the County. But, DISH subscribers in the County wishing to receive the HD versions of the Tyler-Longview Locals would require a second satellite dish (and a service call to install it) in order to be able to receive service from the 61.5° W.L. orbital slot. This would, among other things, impose a very significant cost burden on DISH.
7. DISH subscribers in the County could likely receive the SD version of the Tyler-Longview Locals with their current satellite dish and set-top boxes (“STBs”). However, providing the Tyler-Longview Locals to the County would create a complex patchwork of different customer scenarios. Among other things, DISH would need to parse its subscribers in the County into different groups depending on whether they receive service

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<sup>1</sup> Amendment to the Commission’s Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014, Report and Order, MB Docket No. 15-71, FCC 15-111, ¶ 47 (Sept. 2, 2015) (“*Market Modification Order*”).

<sup>2</sup> STELA Reauthorization Act of 2014 (STELAR), § 102, Pub. L. No. 113-200, 128 Stat. 2059, 2060-62 (2014) (codified at 47 U.S.C. § 338(l)).

calls and second satellite dishes to enable them to receive service from the 61.5° W.L. orbital slot. DISH would need to make, among other things, operational and billing changes in an attempt to manage these different cases. And attempting to target the provision of the Tyler-Longview Locals to the subset of DISH subscribers in the County who might be able to receive them would cause customer confusion and frustration. For example, one DISH subscriber might be able to receive the HD version of the Tyler-Longview Locals while her neighbor could not. This, in turn, could lead to a poor customer service experience and a burden on DISH if a subscriber requested to have a technician sent to install equipment at DISH's expense in order to receive service from a different orbital location.

8. As a result, DISH has determined that it would be both "technically infeasible" and "economically infeasible" pursuant to 47 C.F.R. § 76.59(e) for DISH to provide the Tyler-Longview Locals to the County.
9. DISH reserves the right to amend this Feasibility Certification at any time due to, among other things, a satellite equipment failure or a different satellite or satellites being brought into service for the area that includes the Counties which has different coverage capabilities than the satellites currently being used.

The foregoing has been prepared using facts of which I have personal knowledge or upon information provided to me. I certify under penalty of perjury that the foregoing is true and correct to the best of my current knowledge, information, and belief.



Alison Minea  
DISH Network L.L.C.

Executed on December 19, 2016